

*(There was no response.)*

The Clerk will record the vote.

There being 49 votes in the affirmative and 60 in the negative, the motion is lost. The amendment is rejected.

Is there any objection to considering the amendment of section 11 not yet printed, with the understanding that it will be available very shortly as proposed by Delegate Carson?

The amendment would strike the word "presentment" in line 46 the words "in the land or naval forces or" in lines 47 and 48 and change the word "when" to the word "while" in line 48. Strike, in line 49, the words "in time of war or public danger".

Is there any objection.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, I do not believe there is any objection as far as the committee is concerned. The language does not do anything.

THE CHAIRMAN: Just a second.

This is just an objection to considering.

Is there any objection to considering?

DELEGATE KIEFER: No.

THE CHAIRMAN: Delegate Sherbow?

*(There was no response.)*

THE CHAIRMAN: Delegate Marvin Smith.

DELEGATE M. SMITH: May I suggest to you, Mr. Chairman, that you read that the way it will be?

THE CHAIRMAN: Yes, I will.

If the amendment is adopted, the section would read as follows:

"No person shall be held to answer for a capital or otherwise infamous crime unless on indictment of a grand jury, except in cases arising in the militia while in actual service."

Is there any objection to considering the amendment?

The Chair hears none.

The amendment is proposed by Delegate Carson. It will be Amendment No. 18.

Is it seconded?

DELEGATE BENNETT: I second.

THE CHAIRMAN: The amendment having been seconded the Chair recognizes Delegate Carson to speak to the Amendment.

DELEGATE CARSON: Mr. Chairman, this was merely a clarifying amendment. I do not think any change in substance has been made.

The words "presentment or" are unnecessary. They mean the same as indictment. Taking out the words "the land or naval forces" certainly does not affect anything. The only possible military trials in this State would arise in the militia when it was in actual service, and these are the only changes made.

I think there is no change of substance, however.

The Chairman of the Committee, Mr. Kiefer, has indicated that he has no objection to these amendments. I think no further explanation is necessary.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: I have no objection to them, Mr. Chairman. I think they are clarifying.

THE CHAIRMAN: Is there any further discussion?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, I wonder if I could offer an amendment to the amendment.

THE CHAIRMAN: Can you make it as a suggestion to Delegate Carson and see if he would accept it?

DELEGATE MARION: I just made it privately, and I do not think he is willing to accept it.

THE CHAIRMAN: What is the amendment?

DELEGATE MARION: It would be to strike the word "capital or otherwise infamous crime" and substitute in lieu thereof the word "felony."

THE CHAIRMAN: Is there any objection to considering the amendment to the amendment in the absence of its having been printed?

The Chair suggests that it is one that can be readily understood.

Delegate Carson, do you object?

DELEGATE CARSON: I do not object. Upon reconsideration, I understand that Chairman Kiefer will agree with this, and we will accept the amendment.